

**REMARKS**

The applicants thank the Examiner for the thorough examination of the application. A Request for Continued Examination is being filed concurrently with this paper. No new matter is believed to added to the application.

**Status of the Claims**

Claims 1-20 are pending in the application. The concurrent filing of a Request for Continued Examination enters the claim set presented in the Amendment filed May 17, 2004.

**Rejections Based on Siquin**

Claims 15 and 18-20 remain rejected under 35 U.S.C. §102(e) as being anticipated by Siquin. Claim 16 remains rejected under 35 U.S.C. §103(a) as being obvious over the combination of Siquin and Bills. Claim 17 remains rejected under 35 U.S.C. 103(a) as being obvious over the combination of Siquin and Yamauchi. Applicants maintain traversal.

Distinctions of the invention over Siquin were presented in the Amendment filed May 17, 2004 (now entered). Siquin pertains to the introduction of errors to prevent piracy and utterly fails to the inventive management of data on a rewritable disc.

In the Advisory Action mailed June 14, 2004, the Examiner equates Siquin with the invention, stating:

Siquin specifically discloses that a processor is able to correct errors during a playback (col 3, lines 15-20). Furthermore, Siquin discloses that this is accomplished by reading the medium and

correcting the errors such that playback is allowed according to a recognized standard (col 3, lines 15-20). Examiner maintains that the disclosure of Siquin anticipates the claimed invention.

However, the file managing method of claim 15 pertains to managing a data stream by checking and correcting the file *structure*:

15. A file managing method in recording data stream in a rewritable disk, comprising the steps of:

(a) checking whether or not a file structure formed in the rewritable disk conforms to a standard file system pre-specified for a disk containing real-time data stream;

(b) correcting the file structure of the rewritable disk if the file structure is against the standard file system; and

(c) writing input data stream in a data file belonging to the corrected file structure.

In contrast, the Examiner is respectfully requested to evaluate the entire passage at column 3, lines 11-29 of Siquin, which pertains to the intentional introduction of errors directed at overcoming ancillary *data*:

In preferred embodiments of the present invention, errors are intentionally introduced into the coded content of an original digitally-recorded medium. The content of the medium further includes ancillary data, such as error detection codes or a program routine, that enable a processor in a conventional playback device, reading the original medium in accordance with a given recording standard, to automatically overcome the errors. Typically the ancillary data enable the processor either to correct or conceal the errors during playback or to ignore them altogether. When an unauthorized copy is made of the medium, however, the ancillary data are ineffective in overcoming the intentional errors in the original medium, with the result that faults occur in the copy that are substantially unrecoverable. In other words, the present invention takes advantage of error-avoidance features of the recording standard in an unexpected way, using recoverable errors introduced in the original medium to cause more serious, unrecoverable faults to be generated in the copy.

That is, column 3, lines 15-20 of Siquin set forth that “in a conventional playback device, reading the original medium in accordance with a given recording standard, to automatically overcome the errors. Typically the ancillary data enable the processor either to correct or conceal the errors during playback or to ignore them altogether.” This can be compared against claim 15 which includes the step of “(b) correcting the file structure of the rewritable disk if the file structure is against the standard file system.”

As a result, Siquin clearly fails to anticipate the claimed invention and additionally fails to be a viable basis for a *prima facie* case of obviousness. The invention is thus patentable over Siquin for these additional reasons, further to the full traversal of these rejections set forth in the Amendment filed May 17, 2004.

These rejections are overcome and withdrawal thereof is respectfully requested.

#### **Other Issues**

The other objections and rejections in the Office Action were fully addressed in the Amendment filed May 17, 2004. Additional remarks are accordingly not necessary.

**Conclusion**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert E. Goozner, Ph.D. (Reg. No. 42,593) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

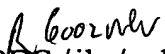
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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